

## **REMARKS**

Applicant respectfully request entry of the following amendments and remarks contained herein in response to the Office Action mailed August 29, 2007. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1 – 4, 6 – 11, 13 – 19, 21 – 27, and 29 are pending. More specifically, Applicant amends claims 14, 15, 16, 23, 24, and 25. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

### **I. Claim Objections**

The Office Action acknowledges that Applicant amended claims 1, 14, 15, and 16 in response to an antecedent basis objection in the previous Office Action. However, the Office Action additionally asserts that it is unclear which entity is prompting the first user and which entity is determining whether the second user is currently engaged in an IM chat session. The Office Action appears to be presenting an 35 U.S.C. §112(2) rejection, however no such rejection is currently on record. In an effort to advance prosecution Applicant addresses this issue as a 35 U.S.C. §112(2) rejection.

More specifically, Applicant respectfully submits that claim 1, 14, 15, and 16 meet the requirements of 35 U.S.C. §112(2) for at least the reason that designation of claim actors is not a requirement for clarity of these claims. More specifically, as a method claim, claim 1 need not include structure (*e.g.*, an entity performing the actions). Additionally, claim 14 indicates the actor(s) via the one or more pieces of logic included in this claim. Claim 15 is a means-plus-function claim, which corresponds to 35 U.S.C. §112(6) and thus corresponding structure may be found in the specification. Claim 16 is a computer-readable medium claim, where computer

code indicates the actor(s) of the function in this claim. For at least these reasons, claims 1, 14, 15, and 16 meet the requirements of 35 U.S.C. §112.

## II. Rejections Under 35 U.S.C. §103

### A. Claim 1 is Allowable Over *Couts* in view of *Becker*

The Office Action indicates that claim 1 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,981,223 ("*Becker*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 1. More specifically, claim 1 recites:

A communication method comprising:  
receiving an instant messaging (IM) message from a first user to a second user;  
prompting the first user for permission to convey the IM message to a third user;  
determining whether the second user is currently engaged in an IM chat session with a fourth user; and  
indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user.***

***(emphasis added)***

Applicant respectfully submits that claim 1 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a "communication method comprising... indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***" as recited in claim 1. More specifically, the Office Action admits that *Couts* "is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user" (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where “each pal is represented by a single line that contains the pal’s name, a ‘device presence’ icon to the left of the name, and an ‘availability’ code to the right of the name” (column 8, line 39). *Becker* continues in stating:

“personal presence” or “availability”... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is “available.” If the person leaves the computer for an extended period of time and the pal’s computer is programmed to detect and signal a prolonged period of inactivity, the availability message is “idle.” If supported by the pal’s computer, a pal may signal certain types of presence such as “out to lunch” or “back in 5 minutes” and so forth.  
(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 1. To further illustrate this point, in FIG. 5 of *Becker*, “Anne” and “Earl” have availability statuses of “In a meeting.” There is absolutely no indication of the parties to the meeting, the type of meeting, *etc.* As such, *Becker* fails to suggest at least this portion of claim 1. For at least these reasons, claim 1 is allowable.

**B. Claim 9 is Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claim 9 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 6,981,223 (“*Becker*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 9. More specifically, claim 9 recites:

A communication method comprising:  
receiving an instant messaging (IM) message from a first user to a second user;  
conveying the IM message to a third user;

determining whether the second user is currently engaged in an IM chat session with a fourth user; and  
indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user.***  
(emphasis added)

Applicant respectfully submits that claim 9 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a "communication method comprising... indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***" as recited in claim 9. More specifically, the Office Action admits that *Couts* "is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user" (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where "each pal is represented by a single line that contains the pal's name, a 'device presence' icon to the left of the name, and an 'availability' code to the right of the name" (column 8, line 39). *Becker* continues in stating:

"personal presence" or "availability"... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is "available." If the person leaves the computer for an extended period of time and the pal's computer is programmed to detect and signal a prolonged period of inactivity, the availability message is "idle." If supported by the pal's computer, a pal may signal certain types of presence such as "out to lunch" or "back in 5 minutes" and so forth.  
(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 9. To further illustrate this point, in FIG. 5 of

*Becker*, “Anne” and “Earl” have availability statuses of “in a meeting.” There is absolutely no indication of the parties to the meeting, the type of meeting, etc. As such, *Becker* fails to suggest at least this portion of claim 9. For at least these reasons, claim 9 is allowable.

**C. Claim 14 is Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claim 14 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 6,981,223 (“*Becker*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 14. More specifically, claim 14 recites:

A communication system comprising:  
receive logic configured to receive an instant messaging (IM) message from a first user to a second user;  
prompting logic configured to prompt the first user for permission to convey the IM message to a third user;  
determining logic configured to determine whether the second user is currently engaged in an IM chat session with a fourth user; and  
indicating logic configured to indicate to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user.***

***(emphasis added)***

Applicant respectfully submits that claim 14 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a “communication system comprising... indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***” as recited in claim 14. More specifically, the Office Action admits that *Couts* “is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user” (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where “each pal is represented by a single line that contains the pal’s name, a ‘device presence’ icon to the left of the name, and an ‘availability’ code to the right of the name” (column 8, line 39). *Becker* continues in stating:

“personal presence” or “availability”... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is “available.” If the person leaves the computer for an extended period of time and the pal’s computer is programmed to detect and signal a prolonged period of inactivity, the availability message is “idle.” If supported by the pal’s computer, a pal may signal certain types of presence such as “out to lunch” or “back in 5 minutes” and so forth.  
(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 14. To further illustrate this point, in FIG. 5 of *Becker*, “Anne” and “Earl” have availability statuses of “In a meeting.” There is absolutely no indication of the parties to the meeting, the type of meeting, *etc.* As such, *Becker* fails to suggest at least this portion of claim 14. For at least these reasons, claim 14 is allowable.

**D. Claim 15 is Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claim 15 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 6,981,223 (“*Becker*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 15. More specifically, claim 15 recites:

A communication system comprising:  
means for receiving an instant messaging (IM) message from a first user to a second user;  
means for prompting the first user for permission to convey the IM

message to a third user;

means for determining whether the second user is currently engaged in an IM chat session with a fourth user; and

means for indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user.***

***(emphasis added)***

Applicant respectfully submits that claim 15 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a “communication system comprising... means for indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***” as recited in claim 15. More specifically, the Office Action admits that *Couts* “is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user” (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where “each pal is represented by a single line that contains the pal’s name, a ‘device presence’ icon to the left of the name, and an ‘availability’ code to the right of the name” (column 8, line 39). *Becker* continues in stating:

“personal presence” or “availability”... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is “available.” If the person leaves the computer for an extended period of time and the pal’s computer is programmed to detect and signal a prolonged period of inactivity, the availability message is “idle.” If supported by the pal’s computer, a pal may signal certain types of presence such as “out to lunch” or “back in 5 minutes” and so forth.

(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 15. To further illustrate this point, in FIG. 5 of

*Becker*, “Anne” and “Earl” have availability statuses of “in a meeting.” There is absolutely no indication of the parties to the meeting, the type of meeting, *etc.* As such, *Becker* fails to suggest at least this portion of claim 15. For at least these reasons, claim 15 is allowable.

**E. Claim 16 is Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claim 16 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 6,981,223 (“*Becker*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 16. More specifically, claim 16 recites:

A computer-readable medium comprising:  
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message from a first user to a second user;  
computer-readable code adapted to instruct a programmable device to prompt the first user for permission to convey the IM message to a third user;  
computer-readable code adapted to instruct a programmable device to determine whether the second user is currently engaged in an IM chat session with a fourth user; and  
computer-readable code adapted to instruct a programmable device to indicate to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user.***

***(emphasis added)***

Applicant respectfully submits that claim 16 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a “computer-readable medium comprising... computer-readable code adapted to instruct a programmable device to indicate to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***” as recited in claim 16. More



specifically, the Office Action admits that *Couts* "is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user" (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where "each pal is represented by a single line that contains the pal's name, a 'device presence' icon to the left of the name, and an 'availability' code to the right of the name" (column 8, line 39). *Becker* continues in stating:

"personal presence" or "availability"... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is "available." If the person leaves the computer for an extended period of time and the pal's computer is programmed to detect and signal a prolonged period of inactivity, the availability message is 'idle.' If supported by the pal's computer, a pal may signal certain types of presence such as "out to lunch" or "back in 5 minutes" and so forth.

(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 16. To further illustrate this point, in FIG. 5 of *Becker*, "Anne" and "Earl" have availability statuses of "in a meeting." There is absolutely no indication of the parties to the meeting, the type of meeting, *etc.* As such, *Becker* fails to suggest at least this portion of claim 16. For at least these reasons, claim 16 is allowable.

**F. Claim 23 is Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claim 23 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,981,223 ("*Becker*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 23. More specifically, claim 23 recites:

A communication system comprising:  
receive logic configured to receive an instant messaging (IM)  
message from a first user to a second user;  
conveying logic configured to convey the IM message to a third  
user;  
determining logic configured to determine whether the second  
user is currently engaged in an IM chat session with a fourth user; and  
indicating logic configured to indicate to the first user, ***in response  
to determining that the second user is engaged in an IM chat  
session with a fourth user, that the second user is engaged in an IM  
chat session with the fourth user.***

***(emphasis added)***

Applicant respectfully submits that claim 23 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a "communication system comprising... indicating logic configured to indicate to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***" as recited in claim 23. More specifically, the Office Action admits that *Couts* "is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user" (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where "each pal is represented by a single line that contains the pal's name, a 'device presence' icon to the left of the name, and an 'availability' code to the right of the name" (column 8, line 39). *Becker* continues in stating:

"personal presence" or "availability"... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is "available." If the person leaves the computer for an extended period of time and the pal's computer is programmed to detect and signal a prolonged period of inactivity, the availability message is "idle." If supported by the pal's computer, a pal may signal certain types of presence such as "out to lunch" or "back in 5 minutes" and so forth.

(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or

suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 23. To further illustrate this point, in FIG. 5 of *Becker*, "Anne" and "Earl" have availability statuses of "in a meeting." There is absolutely no indication of the parties to the meeting, the type of meeting, *etc.* As such, *Becker* fails to suggest at least this portion of claim 23. For at least these reasons, claim 23 is allowable.

**G. Claim 24 is Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claim 24 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,981,223 ("*Becker*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 24. More specifically, claim 24 recites:

A communication system comprising:  
means for receiving an instant messaging (IM) message from a first user to a second user;  
means for conveying the IM message to a third user;  
means for determining whether the second user is currently engaged in an IM chat session with a fourth user; and  
means for indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user.***  
(emphasis added)

Applicant respectfully submits that claim 24 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a "communication system comprising... means for indicating to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***" as recited in claim 24. More specifically, the Office Action admits that *Couts* "is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user" (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where “each pal is represented by a single line that contains the pal’s name, a ‘device presence’ icon to the left of the name, and an ‘availability’ code to the right of the name” (column 8, line 39). *Becker* continues in stating:

“personal presence” or “availability”... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is “available.” If the person leaves the computer for an extended period of time and the pal’s computer is programmed to detect and signal a prolonged period of inactivity, the availability message is “idle.” If supported by the pal’s computer, a pal may signal certain types of presence such as “out to lunch” or “back in 5 minutes” and so forth.  
(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 24. To further illustrate this point, in FIG. 5 of *Becker*, “Anne” and “Earl” have availability statuses of “in a meeting.” There is absolutely no indication of the parties to the meeting, the type of meeting, *etc.* As such, *Becker* fails to suggest at least this portion of claim 24. For at least these reasons, claim 24 is allowable.

#### **H. Claim 25 is Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claim 25 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 (“*Couts*”) in view of U.S. Patent Number 6,981,223 (“*Becker*”). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claim 25. More specifically, claim 25 recites:

A computer-readable medium comprising:  
computer-readable code adapted to instruct a programmable device to receive an instant messaging (IM) message from a first user to a second user;

computer-readable code adapted to instruct a programmable device to convey the IM message to a third user;  
computer-readable code adapted to instruct a programmable device to determine whether the second user is currently engaged in an IM chat session with a fourth user; and  
computer-readable code adapted to instruct a programmable device to indicate to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user.***  
(emphasis added)

Applicant respectfully submits that claim 25 is allowable over the cited art for at least the reason that neither *Couts* nor *Becker* individually or in combination discloses, teaches, or suggests a “computer-readable medium comprising... computer-readable code adapted to instruct a programmable device to indicate to the first user, ***in response to determining that the second user is engaged in an IM chat session with a fourth user, that the second user is engaged in an IM chat session with the fourth user***” as recited in claim 25. More specifically, the Office Action admits that *Couts* “is silent on indicating to the first user, that the second user is engaged in an IM chat session with the fourth user” (OA page 3, last paragraph).

Additionally, *Becker* fails to overcome the deficiencies of *Couts*. More specifically, *Becker* discloses an interface (see *Becker* FIG. 5) where “each pal is represented by a single line that contains the pal’s name, a ‘device presence’ icon to the left of the name, and an ‘availability’ code to the right of the name” (column 8, line 39). *Becker* continues in stating:

“personal presence” or “availability”... refers to the type of presence of an individual... For example, if an individual is actively working at a computer that is running a browser suitable for instant message exchange, the availability message is “available.” If the person leaves the computer for an extended period of time and the pal’s computer is programmed to detect and signal a prolonged period of inactivity, the availability message is “idle.” If supported by the pal’s computer, a pal may signal certain types of presence such as “out to lunch” or “back in 5 minutes” and so forth.

(column 9, line 29).

Applicant respectfully submits that, as demonstrated in this passage, *Becker* appears to merely indicate Instant Messaging presence to a pal. There is absolutely no disclosure or

suggestion of indicating to a first user that a second user is engaged in an Instant Messaging session with a fourth user, as recited in claim 25. To further illustrate this point, in FIG. 5 of *Becker*, "Anne" and "Earl" have availability statuses of "in a meeting." There is absolutely no indication of the parties to the meeting, the type of meeting, *etc.* As such, *Becker* fails to suggest at least this portion of claim 25. For at least these reasons, claim 25 is allowable.

**I. Claims 2 – 4, 6 – 8, 10 – 11, 13, 17 – 19, 21 – 22, 26 – 27, and 29 are Allowable Over *Couts* in view of *Becker***

The Office Action indicates that claims 2 – 4, 6 – 8, 10 – 11, 13, 17 – 19, 21 – 22, 26 – 27, and 29 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Publication Number 2003/0120805 ("*Couts*") in view of U.S. Patent Number 6,981,223 ("*Becker*"). Applicant respectfully traverses this rejection for at least the reason that *Couts* in view of *Becker* fails to disclose, teach, or suggest all of the elements of claims 2 – 4, 6 – 8, 10 – 11, 13, 17 – 19, 21 – 22, 26 – 27, and 29. More specifically, dependent claims 2 – 4 and 6 – 8 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. Dependent claims 10 – 11 and 13 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 9. Dependent claims 17 – 19 and 21 – 22 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 16. Further, dependent claims 26 – 27 and 29 are believed to be allowable for at least the reason that they depend from and include the elements of allowable independent claim 25. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

### **CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

/afb/

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